

**CITY COUNCIL MEETING
JANUARY 16, 2001**

Date & Time	On the 16 th day of January, A.D., 2001, the City Council of the City of Fort Worth, Texas, met in regular session at 10:16 a.m. in the City Council Chamber, 1000 Throckmorton, with the following members and officers present:
Attendance	Mayor Pro tempore Ralph McCloud; Council Members Jim Lane, Chuck Silcox, Becky Haskin, Frank Moss, Clyde Picht, Jeff Wentworth, and Wendy Davis; City Manager Bob Terrell; City Attorney David Yett; City Secretary Gloria Pearson. Mayor Kenneth Barr was absent. With more than a quorum present, the following business was transacted:
Invocation	The invocation was given by Reverend Cal Hoffman, Edge Park United Methodist Church.
Pledge	The Pledge of Allegiance was recited.
Minutes	On motion of Council Member Lane, seconded by Council Member Haskin, the minutes of the regular meeting of January 9, 2001, were approved unanimously.
Special Presentations	Council Member Haskin introduced Joshua Kirby and his grandfather Arthur Kirby. She stated that Joshua was from Boy Scout Troop 98 and was attending the Council Meeting working on his Life Badge, which is his last step before Eagle Scout. She presented each of them with City pins.
Announcements	<p>Council Member Lane announced that the Roseland/Marine Theater would start having live performances starting at 7:30 and 9:30 p.m. January 19, 2001. Tickets for performances may be purchased at the theater or by calling (817) 514-7122.</p> <p>Council Member Haskin announced that a Town Hall Meeting would be conducted for District 2 and the northern part (areas north and west of Hwy 121) of District 4 on January 23, 2001 at 7:00 p.m. at Midtown Church of Christ Auditorium, 1701 Oakhurst Scenic Drive. She added that anyone desiring further information could call the Council office at (817) 871-8802/8804.</p> <p>Council Member Picht announced that he would conduct a Fort Worth District 6 citizen's meeting on January 25, 2001 at 7:00 p.m. at the Southwest Community Center, 6400 Welch Avenue.</p>
Withdrawn from Consent Agenda	City Manager Terrell requested that Mayor and Council Communication No. C-18433 be withdrawn from the consent agenda.

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| Continued/
Withdrawn | City Manager Terrell requested that Mayor and Council Communication No. G-13130 be continued for one week. |
| Consent Agenda | On motion of Council Member Wentworth, seconded by Council Member Haskin, the consent agenda, as amended, was adopted unanimously. |
| OCS-1184
Claims | There was presented Mayor and Council Communication No. OCS-1184 from the Office of the City Secretary recommending that the City Council refer notices of claims regarding alleged damages and/or injuries to the Risk Management Department. It was the consensus of the City Council that the recommendation be adopted. |
| OCS-1185
Res. # 2699
Setting Regular
Zoning Hearing | There was presented Mayor and Council Communication No. OCS-1185 from the Office of the City Secretary recommending that the City Council adopt Resolution No. 2699 setting regular zoning hearing for February 13, 2001. On motion of Council Member Davis, seconded by Council Member Haskin, the recommendation was adopted unanimously. |
| G-13127
Ord. # 14485
Ord. # 14486
Ord. # 14487
Ord. # 14488
Ord. # 14489
Agreements and
Ordinances
Establishing
Third Party
Plumbing Insp. | There was presented Mayor and Council Communication No. G-13127 from the City Manager recommending that the City Council:

1. Authorize the City Manager to enter into agreements with independent contractors for third party plumbing inspectors to perform plumbing inspections within the City of Fort Worth; and
2. Adopt Ordinance No. 14485 amending the Fort Worth Building Code, by providing for the holding of a deposit to cover the Plumbing Inspection of buildings by approved third party organizations; providing penalties for the violation thereof;
3. Adopt Ordinance No. 14486 amending the Fort Worth Mechanical Code, by providing for the holding of a deposit to cover the Plumbing Inspection of buildings by approved third party organizations; providing penalties for the violation thereof;
4. Adopt Ordinance No. 14487 amending the Fort Worth Plumbing Code, by providing for the holding of a deposit to cover the Plumbing Inspection of buildings by approved third party organizations; providing penalties for the violation thereof; |

5. Adopt Ordinance No. 14488 amending the Fort Worth Electrical Code, by providing for the holding of a deposit to cover the Plumbing Inspection of buildings by approved third party organizations; providing penalties for the violation thereof;
6. Adopt Ordinance No. 14489 increasing the estimated receipts and appropriations in the General Fund in the amount of \$115,000 from available funds for the purpose of funding the implementation of the third party plan review and inspection services for building, electrical, and mechanical codes.

It was the consensus of the City Council that the recommendation be adopted.

G-13128
Res. # 2700
Cantey & Hanger
as Legal
Counsel for B.
Don Magness

There was presented Mayor and Council Communication No. G-13128 from the City Manager recommending that the City Council adopt Resolution No. 2700 increasing by \$100,000.00 to \$230,000.00 the maximum amount to be paid to Cantey & Hanger as outside counsel to represent former Public Events Director B. Don Magness in the case of Elizabeth "Jay" Seymour, Pamela Denise Wright and Patricia Hale v. B. Don Magness and the City of Fort Worth, Cause No. 352-174866-98. It was the consensus of the City Council that the recommendation be adopted.

G-13129
Ord. # 14490
Grant
Application to
Environmental
Protection
Agency

There was presented Mayor and Council Communication No. G-13129 from the City Manager recommending that the City Council authorize the City Manager to submit an application to the Environmental Protection Agency for the purpose of funding a Brownfields Cleanup Revolving Loan Fund (BCRLF); authorize the City Manager to accept and execute the BCRLF Cooperative Agreement, if awarded; and adopt Appropriation Ordinance No. 14490 increasing the estimated receipts and appropriations in the Grants Fund in the amount of \$1,000,000.00 subject to the receipt of the funds from the Environmental Protection Agency for the purpose of funding the Brownfields Economic Redevelopment Program. It was the consensus of the City Council that the recommendation be adopted.

G-13130
Continued for
One Week

It was the consensus of the City Council that Mayor and Council Communication No. G-13130, Appeal of Decision of Historic and Cultural Landmarks Commission to Deny Certificate of Appropriateness for Demolition of Structure at 810 Ingram Street, be continued for one week.

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**G-13131
Rezoning of
Certain
Properties in the
Vicinity of the
Western Shore
of Lake
Arlington South**

There was presented Mayor and Council Communication No. G-13131 from the City Manager recommending that the City Council authorize the City Manager to initiate rezoning of certain properties located generally along the western shore of Lake Arlington, south of the 6100 block of Ramey Avenue, east of the 2800-5300 blocks of Interstate Loop 820, and north of Interstate 20, in accordance with the 2000 Comprehensive Plan.

Jim Schell

Mr. Jim Schell, 901 Fort Worth Club Building, representing the property owner, appeared before Council and requested that his client's parcel of land be excluded from the rezoning.

Council Member Moss stated that he did not have a problem in releasing the property if it was a part of the initial zoning that occurred approximately three years ago changing the zoning to "MH" Manufactured Housing.

City Attorney Yett stated that if it was the Council's pleasure to adopt this M&C that they do so with the understanding that it starts the rezoning process, but to instruct staff to investigate the issue and act accordingly.

Fernando Costa, Planning Department Director, informed Council that the official zoning map indicated that the property was currently zoned "C" Multi-Family rather than "MH" Manufactured Housing. He added that Council might wish to change the zoning to "MH" to clarify the zoning with respect to the existing use.

Assistant City Attorney Marcella Olson stated that the first paragraph on Page 2 of the M&C needed to be amended to read as follows: Approval of this Mayor and Council Communication would authorize initiation of rezoning of these properties, as described in Attachment "A", from "J" Medium Industrial, "I" Light Industrial, "IP" Industrial Park, "E" Neighborhood Commercial, "FR" General Commercial Restricted, "C" Medium Density Multifamily, "B" Two-Family Residential and "MH" Manufactured Housing to "A-5" One-Family Residential or a more restrictive one-family residential district. She also advised Council that Attachments A and B should reflect the same language... "A5" One-Family Residential or a more restrictive one-family residential district.

Council Member Moss made a motion, seconded by Council Member Davis, that the recommendation be adopted, as amended. The motion carried by the following vote:

AYES: Mayor Pro tempore McCloud; Council Members Lane, Haskin, Moss, Wentworth, and Davis

NOES: Council Members Silcox and Picht

ABSENT: Mayor Barr

**G-13132
Ord. # 14491
Moratorium on
Acceptance of
Applications for
Development of
Property in the
Vicinity of the
Western Shore
of Lake
Arlington**

There was presented Mayor and Council Communication No. G-13132 from the City Manager recommending that the City Council upon approval of Mayor and Council Communication No. G-13131, adopt Ordinance No. 14491 adopting a moratorium on acceptance of concept plans, preliminary plats, unified residential development site plans, and applications for building permits and other development permits for certain properties located in the vicinity of the western shore of Lake Arlington, south of the 6100 block of Ramey Avenue, east of the 2800-5300 blocks of Interstate Loop 820, and north of Interstate 20, except for development permits consistent with "A-5" One-Family Residential zoning, pending consideration of rezoning of such properties; establishing an appeals procedure.

Assistant City Attorney Marcella Olson appeared and advised Council of amendments that needed to be made to the M&C and ordinance, as follows:

- 1. M&C, Paragraph 2 of the Discussion area required the following additional verbiage after "A-5" One-Family Residential: "or a more restrictive one-family residential district."**
- 2. Ordinance, paragraph 1, required the following additional verbiage after "A-5" One-Family Residential: "or a more restrictive one-family residential district."**
- 3. Ordinance, paragraph 5: delete "the proposed".**
- 4. Ordinance, paragraph 6: delete "to A-5".**
- 5. Ordinance, paragraph 8, line 4: delete "the proposed".**

- 6. Ordinance, paragraph 8, line 7: delete "to "A-5" One-Family Residential".**
- 7. Ordinance, Section 1, paragraph A: Delete "A-5".**
- 8. Ordinance, Section 1, paragraph D: Delete "to "A-5" One-Family Residential".**
- 9. Attachments A and B required the same change as reflected for Attachments A and B in M&C G-13131.**

Council Member Moss made a motion, seconded by Council Member Davis, that the recommendation be adopted as amended. The motion carried by the following vote:

AYES: Mayor Pro tempore McCloud; Council Members Lane, Haskin, Moss, Wentworth, and Davis

NOES: Council Members Silcox and Picht

ABSENT: Mayor Barr

**G-13133
Juvenile
Accountability
Incentive Block
Grant**

There was presented Mayor and Council Communication No. G-13133 from the City Manager recommending that the City Council authorize the City Manager to sign the Application Waiver for the Juvenile Accountability Incentive Block Grant monies from the Texas Criminal Justice Division in the amount of \$294,692.00 to the Tarrant County Juvenile Services in support of the three purpose areas chosen by the Juvenile Crime Enforcement Coalition. On motion of Council Member Davis, seconded by Council Member Haskin, the recommendation was adopted unanimously.

**G-13134
Naming Police
Administration
Building at 350
W. Belknap**

There was presented Mayor and Council Communication No. G-13134 from the City Manager recommending that the City Council approve the naming of the current police headquarters building at 350 West Belknap the "Thomas R. Windham Building". On motion of Council Member Lane, seconded by Council Member Moss, the recommendation was adopted by the following vote:

AYES: Mayor Pro tempore McCloud; Council Members Lane, Haskin, Moss, Picht, Wentworth, and Davis

NOES: Council Member Silcox

ABSENT: Mayor Barr

Council Member Haskin stated that she had spoken with Mrs. Maria Windham whom expressed her appreciation to the Council for this recognition.

**P-9263
Purchase
Agreement for
Overhead Door
Repair**

There was presented Mayor and Council Communication No. P-9263 from the City Manager recommending that the City Council:

- 1. Authorize a first renewal of a purchase agreement for overhead door repair with Artex Overhead Door Company for the City of Fort Worth, based on the low bid received with payment due 30 days after receipt of invoice; and**
- 2. Authorize this agreement to begin January 16, 2001, and expire January 15, 2002, with a one-year option to renew.**

It was the consensus of the City Council that the recommendation be adopted.

**P-9264
Purchase
Agreement for
Aggregate,
Flexible Base,
Type A, Grade 1**

There was presented Mayor and Council Communication No. P-9264 from the City Manager recommending that the City Council:

- 1. Authorize a purchase agreement with Larry Rambo Trucking for the purchase of aggregate, flexible base, type A, grade 1 road materials for the Transportation and Public Works Department based on the low bid of \$7.99 per ton, freight included, with payment due 30 days after receipt of invoice; and**
- 2. Authorize this agreement to begin January 16, 2001, and expire January 15, 2002, with options to renew for two additional one-year periods.**

It was the consensus of the City Council that the recommendation be adopted.

**P-9265
Purchase
Agreements to
Provide Water
Chemical
Reagents**

There was presented Mayor and Council Communication No. P-9265 from the City Manager recommending that the City Council authorize the purchase agreements with Fox Scientific, Inc. and Scientific & Industrial Sales & Services to provide water chemical reagents for the Water Department, Water Prod. Division, based on the low bid by line item, with payments due 30 days from the date of invoice and freight at no charge; and authorize them to begin January 30, 2001, and expire January 29, 2002, with options to renew for two successive one-year periods. It was the consensus of the City Council that the recommendation be adopted.

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**P-9266
Purchase
Agreement to
Provide
Industrial
Compressed
Gases**

There was presented Mayor and Council Communication No. P-9266 from the City Manager recommending that the City Council authorize a purchase agreement with P. G. Walker to provide industrial compressed gases for the City of Fort Worth based on the overall low bid of unit prices, with payment due in 30 days from date of invoice and freight at no charge; and authorize this agreement to begin January 23, 2001, and expire January 22, 2002, with options to renew for two successive one-year periods. It was the consensus of the City Council that the recommendation be adopted.

**P-9267
Purchase of
Excess Workers'
Compensation
Insurance**

There was presented Mayor and Council Communication No. P-9267 from the City Manager recommending that the City Council authorize a contract with the Key and Piskuran Agency for the purchase of excess workers' compensation insurance through the Gulf Insurance Company; and authorize the contract and policy to begin January 16, 2001, and expire December 31, 2001, with options to renew for two additional one-year periods. It was the consensus of the City Council that the recommendation be adopted.

**P-9268
Purchase
Agreement for
Sulfur Dioxide**

There was presented Mayor and Council Communication No. P-9268 from the City Manager recommending that the City Council authorize a purchase agreement for sulfur dioxide with DPC Industries, Inc. for the Water Department based on the sole bid of \$0.1235 per pound, and shipping cost included to the receiving point, with payment due 30 days from the date of invoice; and authorize this agreement to begin January 16, 2001, and expire January 15, 2002, with options to renew for two additional one-year periods. It was the consensus of the City Council that the recommendation be adopted.

**L-12974
Sale of City-
Owned Lake
Worth Land**

There was presented Mayor and Council Communication No. L-12974 from the City Manager recommending that the City Council approve the sale of 7300 Love Circle (Lot 20, Block 15, Lake Worth Lease Survey) to the Texas Department of Transportation for the expansion of State Highway 199. It was the consensus of the City Council that the recommendation be adopted.

**L-12975
Accept
Permanent
Easement**

There was presented Mayor and Council Communication No. L-12975 from the City Manager recommending that the City Council approve the acceptance of one permanent easement described as Abstract 1232, James E. Phillips Survey, Tarrant County, Texas, from Lumberman's Investment Corporation required for the

construction of an underground water line (DOE 2904) for a total cost of \$1.00. It was the consensus of the City Council that the recommendation be adopted.

L-12976
Accept
Permanent
Sanitary Sewer
Easement

There was presented Mayor and Council Communication No. L-12976 from the City Manager recommending that the City Council approve the acceptance of one permanent sanitary sewer easement described as Abstract 272, Antonio Castello Survey, Tarrant County, Texas, from Lumberman's Investment Corporation required for the construction of sanitary sewer line L-12 (DOE 3078) for a total cost of \$1.00. It was the consensus of the City Council that the recommendation be adopted.

C-18427
Weber Cafeteria

There was presented Mayor and Council Communication No. C-18427 from the City Manager recommending that the City Council authorize City Manager to execute a three-year contract with two one-year renewal options with Weber Cafeteria Services to operate the snack bar and provide vending for the Municipal Complex for a monthly fee of \$650.00 paid to the City. It was the consensus of the City Council that the recommendation be adopted.

C-18428
Historic Camp
Bowie Public
Improvement
District No. 8

There was presented Mayor and Council Communication No. C-18428 from the City Manager recommending that the City Council authorize the City Manager to enter into a Letter of Agreement with the Historic Camp Bowie Public Improvement District No. 8 to manage the Banner Program on Camp Bowie Boulevard from University Drive to IH820. It was the consensus of the City Council that the recommendation be adopted.

C-18429
Change Order
No. 4 – Prime
Construction
Company, Inc.

There was presented Mayor and Council Communication No. C-18429 from the City Manager recommending that the City Council authorize the City Manager to execute Change Order No. 4 with Prime Construction Company, Inc. in the amount of \$79,865.00 and allowing 30 additional days for the installation of a new electrical service and other improvements to the Roseland/Marine Theater necessary to support the theatrical lighting and sound system. It was the consensus of the City Council that the recommendation be adopted.

C-18430
LANDTEC
ENGINEERS,
LLC

There was presented Mayor and Council Communication No. C-18430 from the City Manager recommending that the City Council authorize the City Manager to execute a contract with LANDTEC ENGINEERS, LLC for geotechnical and construction material

testing services for a period of eighteen months, with an aggregate fee not-to-exceed \$200,000.00. It was the consensus of the City Council that the recommendation be adopted.

**C-18431
Change Order
No. 4 – Texas-
Sterling
Construction,
Inc. (25730)**

There was presented Mayor and Council Communication No. C-18431 from the City Manager recommending that the City Council authorize the City Manager to execute Change Order No. 4 to City Secretary Contract No. 25730 with Texas-Sterling Construction, Inc. in the amount of \$45,537.44 to provide for additional pay item quantities, thereby increasing the contract amount to \$765,864.14. It was the consensus of the City Council that the recommendation be adopted.

**C-18432
Ord. # 14492
Westhill
Construction,
Inc.**

There was presented Mayor and Council Communication No. C-18432 from the City Manager recommending that the City Council:

1. Authorize the City Manager to transfer \$214,000.00 from the Water and Sewer Operating Fund to the Water Capital Project Fund in the amount of \$203,300.00 and the Sewer Capital Project Fund in the amount of \$10,700.00; and
2. Adopt Appropriation Ordinance No. 14492 increasing the estimated receipts and appropriations in the Water Capital Project Fund in the amount of \$203,300.00 and in the Sewer Capital Project Fund in the amount of \$10,700.00 from available funds for the purpose of funding a contract renewal with Westhill Construction, Inc., for Utility Cut Repair Contract 2000A; and
3. Authorize the City Manager to execute the renewal of a contract with Westhill Construction, Inc. in the amount of \$200,000.00 and 365 calendar days for Utility Cut Repair Contract 2000A, revising the total contract to \$800,000.00.

It was the consensus of the City Council that the recommendation be adopted.

**C-18433
Termination of
CSC Nos. 10048
and 17672 and
New Agreement
with Texas Jet**

There was presented Mayor and Council Communication No. C-18433 from the City Manager recommending that the City Council authorize the City Manager to terminate City Secretary Contract Nos. 10048 and 17672 and execute a new Lease Agreement with Texas Jet for Lease Sites 21N and 31N at Fort Worth Meacham International Airport.

City Manager Terrell stated that the M&C needed to be amended to delete all references to City Secretary Contract No. 17672 as this contract would remain current.

Council Member Davis made a motion, seconded by Council Member Moss, that Mayor and Council Communication No. C-18433 be approved, as amended. The motion carried unanimously.

**Citizen
Presentations**

Ms. Jeanne Strickland, 800 E. Felix, appeared before Council regarding Police Department actions at a crime scene.

**Recessed into
Executive
Session**

It was the consensus of the City Council that they recess into executive session at 10:47 a.m. to:

1. Seek the advice of its attorneys concerning the following pending or contemplated litigation or other matters that are exempt from public disclosure under Article X, Section 9 of the Texas State Bar Rules:
 - a) Zimlich v. City of Fort Worth, Cause No. 98-104;
 - b) Fort Worth I.S.D. v. City of Fort Worth and Southwestern Bell Telephone Company, Cause No. 348-156227-94;
 - c) Seymour, et al v. City of Fort Worth, et al, Cause No. 249-68-98;
 - d) City of Fort Worth v. George Joseph and Thakorial "Ted" Mistry, Cause no. 153-178200-99;
 - e) Legal issues concerning any City Council agenda item;

as authorized by Section 551.071 of the Texas Government Code;
and

2. Deliberate concerning economic development negotiations as authorized by Section 551.086 of the Texas Government Code; and
3. Deliberate concerning the appointment of a City Manager, as authorized by Section 551.074 of the Texas Government Code.

Reconvened

The City Council reconvened into regular session at 11:15 a.m.

Adjournment

There being no further business, the meeting was adjourned at 11:16 a.m.


CITY SECRETARY


MAYOR